



STATE OF UTAH

R. PAUL VAN DAM - ATTORNEY GENERAL

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JOSEPH E. TESCH
CHIEF DEPUTY ATTORNEY GENERAL

January 29, 1993

SEND TO FILE

S/047/036
NATIVE ASPHALT CO.

Richard M. Frankoski
Manager, Environmental Properties
BP America Inc.
200 Public Square 7 4655-B
Cleveland, OH 44114-2375

Dear Mr. Frankoski:

Re: Reclamation of Unpatented Mining Claims E-047001, Townships 4 and 5 South, Range 21 East (SLB&M), Uintah County, Utah

At the request of my client, the Utah Division of Oil, Gas and Mining, I have reviewed your correspondence with Mr. Ronald S. Trogstad of the BLM. I understand from that correspondence that BP America, the parent company of Standard Oil Company, has by private contractual agreement, transferred its reclamation liabilities to third parties. In particular, I note that in 1986 an entity known as Native Asphalt Company acquired the relevant unpatented mining claims from SOHIO under an Offer to Purchase Agreement which required the purchaser to assume and to discharge all environmental, pollution and reclamation liabilities and obligations.

Pursuant to your request under 43 CFR, § 3809.5 these documents have been kept confidential, and were not included in the information provided to the state by BLM.

While I recognize that you may have a contractual agreement with Native Asphalt Company to perform with regard to reclamation liabilities and obligations, our records reflect that the unreclaimed exploration disturbances which currently exist are covered by a notice filed by SOHIO (now BP America). The 1986 exploration notice filed by SOHIO has never been amended or assumed by Native Asphalt Company or another potential contractually responsible party, the Dennis Barnes et. al. group.

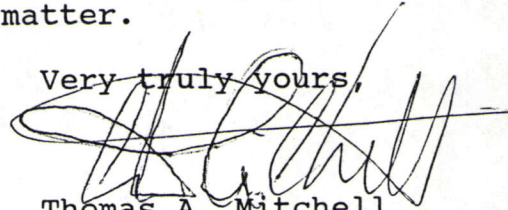
Under state law, SOHIO (now BP America) remains liable for the activities conducted under its 1986 Exploration Notice. Upon a filing by the other entities with the state Division of Oil, Gas and Mining concerning these disturbances pursuant to the alleged contractual obligation referenced in your letter, this matter should be resolved. To date neither Native Asphalt

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Company, nor Dennis Barnes et al group have filed anything with the state Division of Oil, Gas and Mining sufficient to assume the responsibilities discussed above.

Please feel free to call me with any questions or concerns you may have regarding this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'T. Mitchell', written over the closing 'Very truly yours,'.

Thomas A. Mitchell
Assistant Attorney General

lsj
cc: Lowell Braxton
Acting Director
Oil, Gas and Mining
Wayne Hedberg

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